

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KEISHA JACKSON,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No. 14-4233 (MLC)

MEMORANDUM AND ORDER

Pro se Petitioner, Keisha Jackson, a federal prisoner confined at FCI Danbury in Danbury, Connecticut, seeks to bring a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. Local Civil Rule 81.2 provides:

Unless prepared by counsel, petitions to this Court for a writ of *habeas corpus* . . . shall be in writing (legibly handwritten in ink or typewritten), signed by the petitioner or movant, on forms supplied by the Clerk.

L.Civ.R. 81.2(a). Petitioner did not use the habeas form supplied by the Clerk for section 2255 petitions, i.e., AO243 (modified).

IT IS THEREFORE on this 14th day of July, 2014, **ORDERED** that the Clerk of the Court will administratively terminate this case, without filing the motion; Petitioner is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, see Jenkins v. Superintendent of Laurel Highlands, 705 F.3d 80, 84 n.2 (2013) (describing prisoner mailbox rule

generally); Dasilva v. Sheriff's Dep't, 413 Fed.Appx. 498, 502 (3rd Cir. 2011) (“[The] statute of limitations is met when a complaint is submitted to the clerk before the statute runs”); and it is further

ORDERED that the Clerk of the Court will forward Petitioner a blank § 2255 motion form—AO 243 (modified):DNJ-Habeas-004(Rev.01-2014); and it is further

ORDERED that the Clerk's service of the blank § 2255 motion form will not be construed as this Court's finding that the original motion is or is not timely, or that Petitioner's claims are or are not duly exhausted; and it is further

ORDERED that if Petitioner wishes to reopen this case, she shall so notify the Court, in writing addressed to the Clerk of the Court, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, within 30 days of the date of entry of this Memorandum and Order; Petitioner's writing must include a complete, signed § 2255 motion on the appropriate form; and it is further

ORDERED that upon receipt of a writing from Petitioner stating that she wishes to reopen this case, and a complete, signed petition, the Clerk of the Court will be directed to reopen this case; and it is further

ORDERED that the Clerk of the Court will serve a copy of this Memorandum and Order upon Petitioner by regular U.S. mail.

s/Mary L. Cooper
MARY L. COOPER
United States District Judge